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OFFICE OF PETITIONS

In re Application of	:	
Thiedig, et al.	:	
Application No. 09/931,606	:	
Filed: 16 August, 2001	:	ON PETITION
Attorney Docket No: 64251-030	:	

This is a decision on the (renewed) petition under 37 C.F.R. §1.55(c), filed 20 September, 2005, for acceptance of an unintentionally delayed claim under 35 U.S.C. §119(a) - (d) for benefit, as the continuation of foreign application PCT/DE00/00428, of the filing date of foreign Applications identified as "PCT/DE00/00428, 199 06 021.5, filed 15 February, 2000," and "PCT/DE00/00428, 199 06 021.5, filed 15 February, 1999."

The petition is **GRANTED**.

A petition under 37 C.F.R. §1.55(c) to accept an unintentionally delayed claim for priority requires:

- The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- The claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be

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included either in an oath or declaration (37 C.F.R. §1.63(c)(2)) or in an Application Data Sheet (ADS) (37 C.F.R. §1.76(b)(6));

- The surcharge as set forth in 37 C.F.R. §1.17(t);
- A statement that the entire delay between the date the claim was due under 37 C.F.R. §1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional); and
- The above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

All requirements being met, the petition under 37 C.F.R. §1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. §119(a)-(d) is **granted**.

A Corrected Filing Receipt which reflects the above-noted foreign application accompanies this decision on petition.

This application is being forwarded to Technology Center 3700 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. §119(a)-(d).

Inquiries concerning this decision may be directed to John Gillon, Senior Attorney, Office of Petitions at (571) 272-3214.



Frances Hicks
Petitions Examiner
Office of Petitions